

Serial Number 09/769,619
Attorney's Docket 00/052 MPE
Art Unit 1774

1, so as specifically exclude polyolefins from the claimed group of crystallizable thermoplastics, and has limited the claimed group to polyesters.

As to the '294 reference, Murschall discloses the use of filler particles included in the '294 film to impart whiteness and haze to the film. In column 3 lines 18-27, Murschall teaches the use of 5 to 20% fillers, and discloses the use of titanium dioxide and calcium carbonate as examples of these fillers. As disclosed by Murschall in column 4 lines 21-27, TiO_2 is combined with CaCO_3 to create a white/opaque appearance in the polyolefin film. Films containing these fillers have a hazy opaque appearance caused by scattering processes at the vacuoles of the base layer. These vacuoles are created by the inclusion of these fillers in the polymer film.

Unlike the film disclosed by Murschall, Applicant is not concerned with imparting an opaque property to the claimed film. Rather, as disclosed on page 2 lines 13-16, Applicant desires a film with a high degree of whiteness, and low yellowness index. Because TiO_2 is one of the fillers disclosed by Murschall, its incorporation would be expected to show an increase in the haze due to the vacuole formation in the film. However, as disclosed by Applicant on page 5 lines 16-17, the use of TiO_2 in the claimed polymer matrix avoids the occurrence of any vacuoles. It is both surprising and unexpected that Applicant can use the filler molecule of TiO_2 disclosed in Murschall's polyolefin film and experience little or no haze as caused by vacuole formation in the claimed polyester film. Indeed, Murschall would seem to teach away from using TiO_2 as a filler/coloring agent when opaqueness due to vacuole formation is not desired in the resulting film.

Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al., U.S. Pat. No. 5,660,931 in view of von Meer, U.S. Pat. No. 4,384,040 in further view of Murschall et al., U.S. Pat. No. 5,900,294. In light of the current amendments to claim 1, and the comments hereto, the rejection is respectfully traversed.

Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al., U.S. Pat. No. 5,660,931 in view of Murschall et al., U.S. Pat. No. 5,900,294. In light of the current amendments to claim 1, and the comments hereto, the rejection is respectfully traversed.

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Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al., U.S. Pat. No. 5,660,931 in view of von Meer, U.S. Pat. No. 4,384,040 in further view of Murschall et al., U.S. Pat. No. 5,900,294. In light of the current amendments to claim 1, and the comments hereto, the rejection is respectfully traversed.

Also attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version With Markings To Show Changes Made".

In view of the foregoing amendment and these remarks, this application is now believed to be in condition for allowance, and such action is respectfully requested.

Respectfully submitted,



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Version With Markings T Show Changes Made

Please amend claim 1 as follows:

- Capable*
1. (Twice amended) A white film having a thickness of from 10 to 500 μm , comprising a crystallizable polyolefin-free thermoplastic polyester polymer, at least one titanium dioxide of the rutile type that is oxidatively coated, and at least one optical brightener; wherein the titanium dioxide and the optical brightener are provided in the form of at least one masterbatch.

pg. 4 spec

Please amend claim 15 as follows:

15. (Amended) The white film as claimed in claim ~~14~~ 10, wherein the titanium dioxide and the optical brightener are additionally present in the outer layer(s).

Please add new claim 16 as follows:

16. The white film as claimed in claim 1, wherein said white film further comprises regrind.